

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH CHARLES CHAPMAN,
Petitioner,

v.

FRED FOULK, Acting Warden,
Respondent.

Case No. [13-cv-02301-YGR](#) (PR)

**ORDER DIRECTING PETITIONER TO
FILE AN AMENDED PETITION**

Petitioner, a state prisoner, previously filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On September 24, 2014, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust his state judicial remedies. The Court Order stated: "Nothing further will take place in this action until Petitioner receives a final decision from the California Supreme Court and, within **thirty (30) days** of doing so, moves to reopen the action, lift the Court's stay and amend the stayed petition to add the newly-exhausted claims." Dkt. 13 at 3.

On February 24, 2015, Petitioner informed the Court that his state proceedings had concluded; however, he did not amend the stayed petition to add the newly-exhausted claims. Therefore, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court, as directed below.

CONCLUSION

For the reasons outlined above, the Court orders as follows:

1. No later than **twenty-eight (28) days** of the date of this Order, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court. The Court will lift the stay on the date that Petitioner files his amended

petition. Petitioner must submit the amended petition on the attached blank habeas petition form, clearly label the petition as the “Amended Petition,” and write in the case number for this action on the form – Case No. C 13-2301 YGR (PR). He should also attach to his amended petition a copy of his petition to the California Supreme Court, if the document is available to him. If Petitioner fails to file an amended petition within the prescribed period, the Court will dismiss this action without prejudice for failure to prosecute.

2. The Clerk of the Court shall send Petitioner a blank Section 2254 habeas petition form.

IT IS SO ORDERED.

Dated: April 29, 2015


YVONNE GONZALEZ ROGERS
United States District Judge

United States District Court
Northern District of California